

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JESSE COLEMAN,)	
)	
Plaintiff,)	08 C 2108
)	
vs.)	Honorable Judge
)	George Lindberg
TOM DART, SALVADOR A. GODINEZ)	
THOMAS SNOOKS)	Magistrate Judge Brown
)	
Defendants.)	

**DEFENDANTS' MOTION TO VACATE ANY TECHNICAL DEFAULTS AND FOR AN
ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE PLEAD**

NOW COME DEFENDANTS, Sheriff Thomas Dart, Salvador A. Godinez, and Thomas Snooks, by their attorney RICHARD A. DEVINE, State's Attorney of Cook County, by his Assistant State's Attorney Francis J. Catania, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure state as follows:

- 1) The undersigned Assistant State's Attorney was assigned this case on May 14, 2008 and immediately filed an appearance on behalf of the defendants.
- 2) Subsequent to that date, the Clerk of Court recorded the service of summons and entered a due date for answer of May 27 and 28, 2008.
- 3) At that time the undersigned was out of the office attending to a family need and inadvertently failed to request additional time to answer or otherwise plead.
- 4) As of this filing defendants are in technical default and move this court to vacate any default grant them additional time to answer or otherwise plead until June 30, 2008.
- 5) In support of this request, the undersigned has requested information and documents as part of the investigation of the claims.

- 6) The requested documents are necessary to properly prepare an answer or other pleading.
- 7) Additional time is therefore necessary and the granting of the requested relief will not prejudice the plaintiff.

WHEREFORE DEFENDANTS pray that this Court:

- 1) Vacate technical defaults;
- 2) Grant an enlargement of time up to and including June 30, 2008 for the defendants to answer or otherwise plead; and
- 3) Grant any other relief the court deems just.

Respectfully submitted,

RICHARD A DEVINE
State's Attorney for Cook County

By: s/ Francis J. Catania
Francis J. Catania, Attorney for Defendants

RICHARD A DEVINE
FRANCIS J. CATANIA ARDC #6203188
Cook County State's Attorney's Office
Richard J. Daley Center
50 W. Washington Street Room 500
Chicago, IL 60602
(312) 603-6572